

IN THE CIRCUIT COURT OF LINCOLN COUNTY, MISSISSIPPI

D'MONTERRIO GIBSON

PLAINTIFF

v.

Civil Action No.: 23-cv-646-LT

**FEDERAL EXPRESS CORPORATION,
BRANDON CASE, GREGORY CASE,
and ADCAMP, INC.**

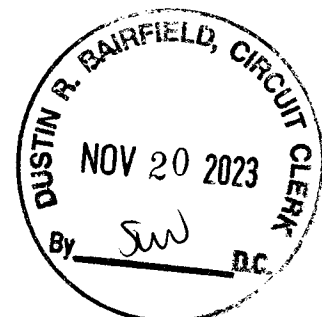
DEFENDANTS

COMPLAINT
(Jury Trial Demanded)

COMES NOW, Plaintiff D'Monterrio Gibson (hereinafter "Plaintiff"), by counsel, and files this *Complaint* against Federal Express Corporation, Brandon Case, Gregory Case, and Adcamp, Inc., to recover actual and punitive damages (against the individually-named Defendants) for Mississippi common law claims of negligence and intentional torts and would show unto the Honorable Court the following, to wit:

PARTIES

1. Plaintiff is an adult resident citizen of the State of Mississippi, residing in Hinds County, Mississippi.
2. Defendant Federal Express Corporation (hereinafter "Defendant FedEx") is a foreign corporation with its principal place of business in Tennessee, qualified to do business in the State of Mississippi, and it may be served with process upon its registered agent, C T Corporation System, at 645 Lakeland East Drive, Suite 101, Flowood, MS 39232.
3. Defendant Brandon Case (hereinafter "Defendant Brandon Case") is an adult resident citizen of the State of Mississippi. He may be served with process at 417 Junior Trail, Brookhaven, MS 39601.



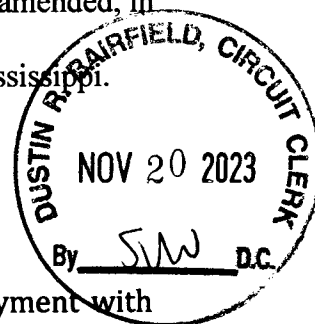
4. Defendant Gregory Case (hereinafter "Defendant Gregory Case") is an adult resident citizen of the State of Mississippi. He may be served with process at 417 Junior Trail, Brookhaven, MS 39601.
5. Defendant Adcamp, Inc., (hereinafter "Defendant Adcamp") is a profit corporation in good standing in the state of Mississippi with a principal office address of 1353 Flowood Drive, Flowood, Mississippi 39232. Adcamp's registered agent, Ralph Barnes, may be served with process at 1353 Flowood Drive, P.O. Box 54246, Jackson, Mississippi 39288 - 4246

JURISDICTION and VENUE

6. This Court has jurisdiction over this action by Miss. Code Ann. §9-7-81, annotated, as amended, in that this cause of action is not made exclusively cognizable in some other Court by either the Constitution or the laws of this state and by the fact the principal amount in controversy exceeds Two Thousand Five Hundred Dollars (\$2,500).
7. Venue in this Court is proper under Miss. Code Ann. §11-11-3, annotated, as amended, in that a substantial event that caused the injury occurred in Lincoln County, Mississippi.

STATEMENT

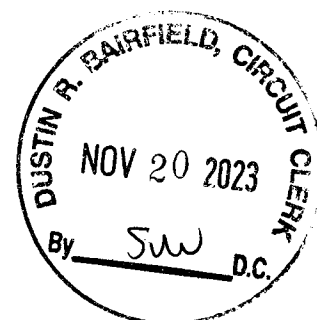
8. Plaintiff D'Monterrio Gibson was acting within the scope of his employment with Defendant FedEx on January 24th, 2022, when he was civilly assaulted and battered by Defendants Brandon and Gregory Case. Defendants Brandon and Gregory essentially terrorized, shot at, and chased Mr. Gibson out of the Junior Trial neighborhood of Lincoln County, Mississippi. Following the assault of Mr. Gibson, the Defendant FedEx sent him back to work on the same dangerous route the



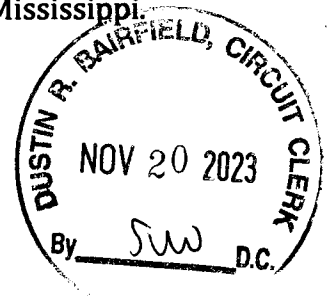
following day, intentionally inflicting emotional distress on the Plaintiff. Defendant Adcamp negligently entrusted a company vehicle to Gregory case, which was used to chase and hunt down Plaintiff. Justice for these acts is sought by this lawsuit.

FACTS

9. This is a claim for State law negligence and intentional torts filed by Plaintiff. These violations caused severe pain and suffering to D'Monterrio Gibson on January 24th, 2022.
10. At all times material hereto, Defendant FedEx was the employer of Plaintiff D'Monterrio Gibson, an African-American male.
11. On January 24, 2022, Plaintiff was delivering packages as an employee of FedEx, in the Junior Trial neighborhood of Brookhaven, Mississippi (Lincoln County). Plaintiff arrived at the residential destination, delivered the package, and returned to his work truck.
12. When Plaintiff returned to his work truck, he noticed a white truck, driven by Defendant G. Case, and owned by Defendant Adcamp, speeding towards him from behind. Defendant G. Case began honking his horn.
13. Defendant G. Case recklessly sped past Plaintiff to cut him off, but Plaintiff was able to maneuver the work truck around them and continued driving.
14. At this point, Defendant B. Case is waving a firearm in Plaintiff's direction in the middle of the street, motioning for Plaintiff to stop the vehicle. Plaintiff refused and drove around Defendant B. Case.
15. Defendant B. Case began to fire shots at Plaintiff as he was trying to get to safety.



16. Defendants Brandon and Gregory Case proceeded to chase Plaintiff throughout the Junior Trial neighborhood and nearby to the main interstate/highway using the truck supplied by Defendant Adcamp.
17. Following this terrifying ordeal, Plaintiff continued to drive until he found an area where he felt safe and immediately contacted his supervisor to report the incident and requested that he call the police.
18. The supervisor wanted to wait until the following day to report the incident to the police, so Plaintiff had to call the police on his own.
19. Plaintiff went to the Brookhaven Police Department ("BPD") to make a report about the incident. An officer at the BPD took down notes and told Plaintiff that he would give it to his supervisor, Chief Collins, the following morning. The officer also asked that Plaintiff return to BPD the next morning with his supervisor.
20. Plaintiff returned to Defendant FedEx Richland, MS location when he left the Brookhaven Police Department.
21. Upon his arrival, Cressa (another employee of FedEx) began inspecting the van and taking photos. She observed many bullet holes inside the back of the van and the packages from Defendant B. Case's firearm. A bullet fragment was also found in the back of the van.
22. On January 25th, 2022, Plaintiff returned to work for Defendant FedEx. Plaintiff was provided an official "FedEx" vehicle this time, and he was asked not to speak with any News outlets. Additionally, Plaintiff was assigned to the same route as the day before, which included the Junior Trial neighborhood of Brookhaven, Mississippi.



23. Plaintiff attempted to complete his work route, but due to experiencing severe panic and anxiety from the subject incident, he had to inform Defendant FedEx that he was uncomfortable working.

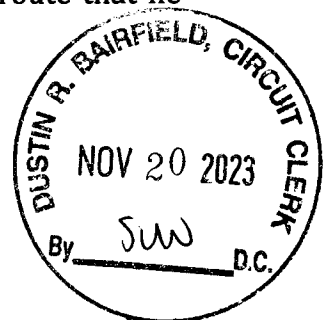
24. The same date, Plaintiff and a supervisor went to BPD for Plaintiff's statement. While at BPD, Plaintiff was taken back to the scene of the subject incident and waited in the police vehicle as police officials with individuals in the area about the incident.

25. Once Plaintiff and the supervisor were done at the Brookhaven Police Department, they returned to Defendant FedEx's Richland, Mississippi location. Plaintiff was asked to start his route, but he again informed the supervisor that he felt uncomfortable performing the route.

26. The following day, January 26th, 2022, Plaintiff began the medical leave process because of severe anxiety. He was told that he should see a therapist, and Defendant FedEx would cover eight (8) free sessions and two-weeks off without pay. Plaintiff began therapy sessions in February 2022.

27. Defendant FedEx was aware and fully recognized the amount of emotional distress Plaintiff was experiencing. Further, Defendant FedEx intentionally inflicted emotional distress by forcing Plaintiff to continue to work the same route that he was hunted and chased down just weeks prior.

FIRST CAUSE OF ACTION
(Intentional Infliction of Emotional Distress against FedEx)



28. Plaintiff hereby repeats and re-alleges all averments, statements, and paragraphs 1 through 27, inclusive, as if fully set forth herein.

29. Defendant FedEx intentionally inflicted emotional distress by attempting to force Plaintiff to work the same route where the traumatic incident of January 24th, 2022, took place, and by demanding more than once that Plaintiff return to work following the January 24th, 2022 incident.

30. As a direct and proximate result of Defendant FedEx's intentional infliction of emotional distress, Plaintiff has suffered and continues to suffer severe mental anguish and emotional distress, including but not limited to, depression, stress, anxiety, loss of sleep, and emotional pain and suffering.

31. Defendant FedEx's intentional infliction of emotional distress was outrageous, malicious, was intended to injure Plaintiff, and was done with reckless indifference to Plaintiff's mental and emotional health, entitling Plaintiff to an award of damages for the amount he continues to suffer.

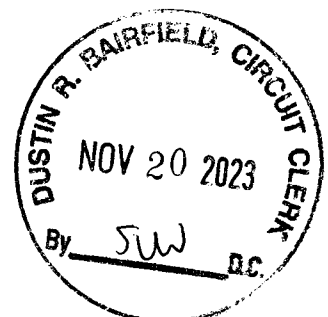
SECOND CAUSE OF ACTION
(Civil Assault & Battery against Brandon & Gregory Case)

32. Plaintiff hereby repeats and re-alleges all averments, statements, and paragraphs 1 through 31, inclusive, as if fully set forth herein.

33. As a result of the individually-named Defendants Brandon Case, Gregory Case, and Chief Collins' actions, including the shooting at Mr. Gibson without justification, the Plaintiff was wrongfully assaulted without just or probable cause or provocation. These actions also resulted in the intentional infliction of emotional distress. Chief Collins assaulted Plaintiff at a peaceful rally after the shooting.

34. As a result of the foregoing, the Plaintiff suffered serious mental issues, including severe anxiety, loss of sleep, depression, and emotional distress.

THIRD CAUSE OF ACTION



(Negligent/Intentional Infliction of Emotional Distress against Brandon Case, Gregory Case)

35. Plaintiff hereby repeats and re-alleges all averments, statements, and paragraphs 1 through 34, inclusive, as if fully set forth herein.

36. Plaintiff claims that he suffered serious emotional distress as a result of Defendants' actions and misconduct towards him.

37. The conduct of the Defendants was a substantial factor in causing Plaintiff's serious emotional distress; including but not limited to: anguish, fright, horror, nervousness, anxiety, shock, humiliation, and shame that an ordinary, reasonable person would be unable with which to cope. Plaintiff is also suffering from severe depression and post-traumatic stress disorder as a result of the negligent or intentional actions of Defendants.

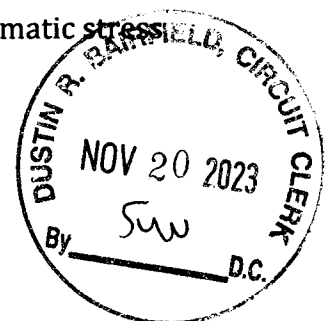
FOURTH CAUSE OF ACTION

(General/Gross Negligence against Defendant Brandon & Gregory Case)

38. Plaintiff hereby repeats and re-alleges all averments, statements, and paragraphs 1 through 37, inclusive, as if fully set forth herein.

39. Defendants Brandon and Gregory Case physically harassed, chased down, and fired shots at Plaintiff Gibson on January 24th, 2022, therein creating a significant fear and terror on the part of Mr. Gibson to date.

40. The conduct of the Defendants was a substantial factor in causing Plaintiff's serious emotional distress; including but not limited to: anguish, fright, horror, nervousness, anxiety, shock, humiliation, and shame that an ordinary, reasonable person would be unable with which to cope. Plaintiff is also suffering from post-traumatic stress disorder as a result of the negligent actions of Defendants Case.



FIFTH CAUSE OF ACTION

(Negligent Entrustment of a Motor Vehicle and Vicarious Liability against Adcamp)

41. Plaintiff hereby repeats and re-alleges all averments, statements, and paragraphs 1 through 40, inclusive, as if fully set forth herein.

42. As a result of Defendant Adcamp's careless and negligent entrustment of a Company Motor Vehicle to employee Defendant Gregory Case, as well as the negligent hiring, supervision, training, and retention of Defendant Gregory Case, Plaintiff was hunted down in an Adcamp company vehicle driven by Defendant Gregory Case.

43. Defendant Adcamp is vicariously liable for the negligent or otherwise wrongful actions on the part of Defendant Gregory because of their Negligent Entrustment of a Motor Vehicle to Defendant Gregory.

WHEREFORE, THE ABOVE BEING CONSIDERED, the Plaintiff respectfully prays for judgment against all Defendants, including compensatory damages, punitive damages against the individually named Defendants, as well as Defendant FedEx, any and all damages allowed by State law including attorney's fees, in an aggregate amount well above the jurisdictional amount needed to bring this case in this Court and no less than \$5,000,000.00.

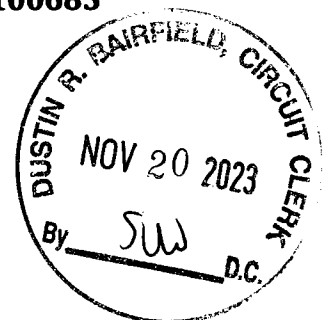
This, the 16th day of November, 2023.

D'MONTERRIO GIBSON, Plaintiff

By: /s/ Carlos E. Moore

Carlos E. Moore
Carlos E. Moore, MSB# 100685

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